

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Bond #45BSBFD9261

TATTOO JOHNNY, INC.,

Plaintiff

PRELIMINARY INJUNCTION

VS

CHRISTIAN AUDIGIER, INC., SHOP ON
STAGE, INC., CHRISTIAN AUDIGIER, TY
BOWERS, MACY'S, INC.,
BLOOMINGDALE'S, INC., NORDSTROM,
INC., VANGUARD APPAREL, LIMITED,
JOHN DOES 1-100, inclusive,

Defendants

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/29/08

WHEREAS, by Order of the above entitled Court, Plaintiff TATTOO JOHNNY, INC., was required to file an undertaking in the sum of FIFTY THOUSAND DOLLARS as a condition for a preliminary injunction to be in effect restraining and enjoining the above named Defendants, CHRISTIAN AUDIGIER, INC., SHOP ON STAGE, INC., CHRISTIAN AUDIGIER, TY BOWERS, MACY'S, INC., BLOOMINGDALE'S, INC., NORDSTROM, INC., VANGUARD APPAREL LIMITED, JOHN DOES 1-100, inclusive, from the commission of certain acts as more fully set forth in said order.

NOW, THEREFORE, Hartford Fire Insurance Company, a corporation organized and existing under the laws of the State of Connecticut and authorized to transact the business of Surety, as Surety, in consideration of premises and issuance of said preliminary injunction does hereby undertake to pay all costs and disbursements that may be decreed to the Defendants CHRISTIAN AUDIGIER, INC., SHOP ON STAGE, INC., CHRISTIAN AUDIGIER, TY BOWERS, MACY'S, INC., BLOOMINGDALE'S, INC., NORDSTROM, INC., VANGUARD APPAREL LIMITED, JOHN DOES 1-100, inclusive, and such damages not exceeding in the amount of FIFTY THOUSAND DOLLARS as the Defendants, CHRISTIAN AUDIGIER, INC., SHOP ON STAGE, INC., CHRISTIAN AUDIGIER, TY BOWERS, MACY'S, INC., BLOOMINGDALE'S, INC., NORDSTROM, INC., VANGUARD APPAREL LIMITED, JOHN DOES 1-100, inclusive, may sustain by reason of said preliminary injunction if the same be wrongfully obtained and without sufficient cause.

IN WITNESS WHEREOF, we have set our hand and seal the 27th day of August, 2008

Approval
8/29/08
Simithal M. Mahan
clerk
3/1/09
Prothonary

Hartford Fire Insurance Company

SURETY

BY:

Mark Levinson, Attorney-In-Fact

Direct Inquiries/Claims to:

POWER OF ATTORNEY

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 45 452249

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- ☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- ☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- ☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of UNLIMITED** :

AMY GANGLE, KERRY K. GREGOIRE, ALYSON A. LARSON, MARK LEVINSON, TODD A. STEIN OF FAIRLAWN, OHIO

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004, the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholz

Paul A. Bergenholz, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss.

Hartford

On this 3rd day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Pasoka

Scott E. Pasoka
Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of August 21, 2008
Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

Hartford Fire Insurance Company**Hartford Plaza****Hartford, Connecticut, 06115****Financial Statement, December 31, 2007**

(Statutory Basis)

ASSETS**LIABILITIES**

U.S. Government Bonds	\$ 96,315,402
Bonds of other Governments	115,429,244
State, County, Municipal and Miscellaneous Bonds	13,278,666,144
Stocks	7,229,859,113
Short Term Investments	81,552,392
	<u>\$ 20,801,822,295</u>

Real Estate	\$ 97,816,920
Cash	182,651,749
Agents' Balances (Under 90 Day)	2,772,916,039
Other Invested Assets	685,938,002
Miscellaneous	2,029,404,445
Total Admitted Assets	\$ 26,570,549,450

Reserve for Claims	\$
and Claim Expense	6,940,486,736
Reserve for Unearned Premiums	2,102,566,290
Reserve for Taxes, License and Fees	78,943,436
Miscellaneous Liabilities	3,006,294,799
Total Liabilities	\$ 12,128,291,261

Capital Paid In \$	54,740,000
Surplus	14,387,518,189
Surplus as regards Policyholders...	\$ 14,442,258,189
Total Liabilities, Capital and Surplus	\$ 26,570,549,450

STATE OF CONNECTICUT
COUNTY OF HARTFORD
CITY OF HARTFORD

}

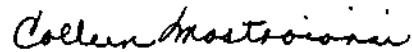
ss.

Colleen Mastroianni, Vice-President, and Patricia A. Murrone, Assistant Secretary of the Hartford Fire Insurance Company, being duly sworn, each deposes and says that the foregoing is a true and correct statement of the said company's financial condition as of December 31, 2007.

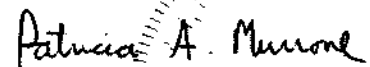
Subscribed and sworn to before me this 5th
day of March, 2008.



Scott E. Paseka
Notary Public
My Commission Expires October 31, 2012

Colleen Mastroianni, Vice-President



Patricia A. Murrone, Assistant Secretary

ACKNOWLEDGMENT OF PRINCIPAL - IF A CORPORATION

STATE OF NEW YORK }
COUNTY OF } ss

On thisday of before me personally appeared
.....to be known, who, being by me duly sworn, did depose and
say; that he/she resides at....., that he/she is the
President ofthe corporation described in and which
executed the within insurance instrument; that he/she knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that is was so affixed by the Board of Directors of said corporation;
and that he/she signed his/her name thereto by like order.

ACKNOWLEDGMENT OF PRINCIPAL - IF INDIVIDUAL OR FIRM

STATE OF NEW YORK }
COUNTY OF } ss

On thisday of before me personally appeared
.....to me know to be (the individual) (one of the firm
of.....), described in and who executed the within instrument and he/she
thereupon acknowledged to me that he/she executed the same (as the act and deed of said firm).

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF OHIO }
COUNTY OF SUMMIT } ss

On this August 21, 2008....., before me personally came Mark Levinson.....
to me known, who, being by me duly sworn, did depose and say; that he/she resides in
AKRON, OH.....; that he/she is the Attorney-in-Fact of the
Hartford Fire Insurance Company..... the corporation described in which
executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that is was so affixed by the Board of Directors of said corporation; and that
he/she signed his/her name thereto by like order; and the affiant did further depose and say that the
Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of
the State of New York, issued to Hartford Fire Insurance Company..... his/her
certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the
State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that
such certificate has not been revoked.

Notary Public

AMY GANGLE

Notary Public, State of Ohio

My Commission Expires Aug. 25, 2012

Producer Compensation Notice



You can review and obtain information on The Hartford's
producer compensation practices at www.thehartford.com
or at 1-800-592-5717.

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Plaintiff,

v.

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BOWERS, MACY'S, INC.,
BLOOMINGDALE'S, INC., NORDSTROM,
INC., VANGUARD APPAREL LIMITED,
JOHN DOES 1-100, inclusive,

Defendants.

Docket No. 1:08-cv-5572

ORDER GRANTING PRELIMINARY
INJUNCTION

THIS MATTER having come before the Court upon the application of Plaintiff, Tattoo Johnny, Inc. by its attorneys, OlenderFeldman, LLP, for an Order granting a preliminary injunction; and the Court having read and considered the parties moving and responsive papers and oral argument of counsel on August 18, 2008; and for good cause having been shown, and the court having rendered a decision on the record on August 20, 2008,

IT IS on this 20th day of August 2008,

ORDERED that Defendants, Christian Audigier, Inc., Shop on Stage, Inc., Christian Audigier, Macy's, Inc., Bloomingdale's, Inc., Nordstrom, Inc., Vanguard Apparel Limited and their respective parents, subsidiaries, affiliates, partners, directors, officers, agents, representatives, servants, employees, attorneys and all persons in active concert, privity, or participation with them who receive actual notice of such order by personal service or otherwise (collectively "Defendants") are ENJOINED and RESTRAINED from doing, aiding, contributing to, causing and abetting any of the following:

- Loretta A. Preska
Hon. Loretta A. Preska, U.S.D.J.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
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TATTOO JOHNNY, INC.,

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CHRISTIAN AUDIGIER, INC., SHOP ON
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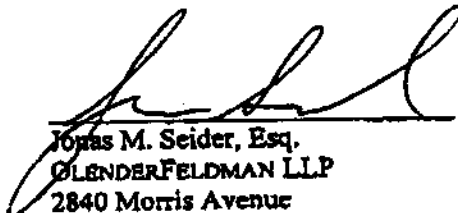
Docket No. 1:08-CV-5572


STIPULATION EXTENDING THE TIME
TO POST SECURITY FOR
PRELIMINARY INJUNCTION ORDER
AND ORDER THEREON

The undersigned, OlenderFeldman LLP, attorneys for plaintiff Tattoo Johnny, Inc. ("Plaintiff"), and Dickstein Shapiro LLP, attorneys for defendants Christian Audigier, Inc., Shop on Stage, Inc., Christian Audigier, Macy's, Inc., Bloomingdale's, Inc., Nordstrom, Inc., and Vanguard Apparel Limited (collectively, "Defendants"), hereby stipulate to an extension of the time within which Plaintiff must post a bond or cash security as required by the Court in the August 20, 2008 Order ("Order"), a copy of which is attached hereto as Exhibit A, since the Plaintiff and Defendants are currently in ongoing settlement negotiations.

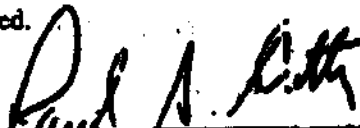
The parties hereby agree that in the event settlement is not reached by August 29, 2008, Plaintiff shall post a bond or cash security pursuant to the Order and the Court shall execute the Ordered preliminary injunction.

This stipulation is entered into the 22nd day of August, 2008.


Jonas M. Seider, Esq.
OLENDERFELDMAN LLP
2840 Morris Avenue
Union, New Jersey 07083
(908) 964-2424
Attorneys for Plaintiff


James H. Turken, Esq.
Dickstein Shapiro LLP
2049 Century Park East, Suite 700
Los Angeles, California 90067
(310) 772-8331
Attorneys for Defendants

For good cause appearing therefrom, it is so ordered.

 8/22/08

Hon. ~~Thomas A. Preska~~ U.S.D.J.
Paul A. Crotty
U. S. D. J.
Part I
